

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

THIRD ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's Motion to Continue Trial [46-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

The motion is well-taken and should be granted.

Trial is currently set for February 27, 2006. By the court's February 17, 2006 order, defense counsel has been allowed to withdraw as counsel of record for the defendant. Before so withdrawing, defense counsel filed the instant motion to continue to allow the defendant to obtain new counsel. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from February 27, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant more time to obtain new counsel. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion to Continue Trial [46-1] is hereby **GRANTED**;

(2) Trial of this matter is continued until Monday, March 27, 2006 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from February 27, 2006 to March 27, 2006 is excluded as set out above;

(4) The deadline for filing pretrial motions is March 6, 2006; and

(5) The deadline for submitting a plea agreement is March 13, 2006.

SO ORDERED, this the 17th day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE